

AN ORDINANCE BY THE CITY OF MORGANTOWN ADDING A NEW SECTION 941.08 TO ITS MUNICIPAL CODE, AS THE SAME APPLIES TO THE USE OF TOBACCO PRODUCTS AND ELECTRONIC CIGARETTES ON OR IN PROPERTIES AND FACILITIES CONTROLLED BY OR UNDER THE JURISDICTION OF THE MORGANTOWN BOARD OF PARK AND RECREATION COMMISSIONERS.

WHEREAS, Section 149.10 of the Morgantown City Code states that the Morgantown Board of Park and Recreation Commissioners (hereinafter "BOPARC") is empowered to promulgate rules and regulations in its administration of BOPARC affairs;

WHEREAS, Section 149.10 further states, in part, that upon codification of such rules and regulations, by ordinance of Council which may provide for penalties thereof, the BOPARC Board shall enforce the same by appropriate proceedings in any proper tribunal of this State.

WHEREAS, Article 941 of the Morgantown City Code contains rules and regulations adopted by BOPARC and codified by Council ordinance, which pertain to properties and facilities controlled by or under the jurisdiction of the BOPARC Board;

WHEREAS, on September 26, 2013, the BOPARC Board voted to adopt rules and regulations prohibiting the use of tobacco products and electronic cigarettes on properties or in facilities controlled by BOPARC;

WHEREAS, the BOPARC Board has requested that Morgantown City Council amend Article 941 of the City Code to incorporate the new BOPARC Rule; and

NOW THEREFORE, the City of Morgantown hereby ordains that a new Section 941.08 is added to its Municipal Code which reads as follows (new matter underlined, deleted matter struck through.):

941.08 **Use of Tobacco Products and Electronic Cigarettes.**

It shall be unlawful for any person to use tobacco in any form, or to use an electronic cigarette, in or on any property controlled by or under jurisdiction of the Morgantown Board of Park and Recreation Commissioners (BOPARC). For purposes of this section, property controlled by or under the jurisdiction of the Morgantown Board of Park and Recreation Commissioners is: White Park, Marilla Park, Krepps Park, Dorsey's Knob Park, Wiles Hill Park, Hazel Ruby McQuain Park, King Street Park, Suncrest Lake Park, Paul Preserve Park, Aspen Street Park, Jack Roberts Park, Woodburn Park, Whitemore Park, MEA Fishing Pier, Stanley's Spot Dog Park, South U Park.

Whoever violates this section shall be guilty of a misdemeanor, and upon conviction thereof, shall be subject to a fine of not more than one hundred dollars (\$100.00).

This Ordinance shall be effective upon date of adoption.

FIRST READING:

ADOPTED:

FILED:

RECORDED:

MAYOR

CITY CLERK